

### **REMARKS**

Claims 1-14 are pending and at issue in the above-identified patent application. Of the claims at issue, claims 1, 7, 9, and 13 are independent. In view of the forgoing amendments, the following remarks, and the Request for Continued Examination that is filed herewith, reconsideration and allowance of this application are respectfully requested.

### **Clarifying Amendments**

As an initial matter, claims 1-14 have been amended to clarify the recited methods and apparatus as suggested by the examiner. In particular, the claims have been amended to explicitly recite that which was implicit in the previous versions of the claims, namely the calculation of a priority value and the three dimensionality of the profile surface. Specifically, the term “determining” has been amended to explicitly claim the calculations of a priority value. Additionally, the term “profile surface” has been amended to explicitly state that the profile surface has at least three dimensions. It will be noted that three dimensions are required to define a surface and accordingly the previous version implicitly claimed a three dimensional profile surface.

Thus, the forgoing amendments are merely clarifying amendments, and accordingly, do not add any new subject matter to the claims and do not require any further searching.

### **The Rejections under 35 U.S.C. § 102**

#### **Claims 1-3, 5, 6, 9, and 12**

Claims 1 and 9 are directed to a method and an apparatus for selecting digital objects for display in a digital program guide. Claims 1 and 9 recite receiving a digital object, determining first and second fuzzy variables associated with the digital object, and calculating a priority value by mapping the first and second fuzzy variables onto an at least three dimensional profile surface adapted for determining preferences associated with a television viewer. Claims 1 and 9 further recite comparing the calculated priority value to a

predefined threshold and selecting the digital object for display in the electronic television program guide if the first priority value crosses the predefined threshold.

Claims 1 and 9 were rejected under 35 U.S.C §102 as anticipated by Knee et al. (US 2002/0095676 A1). However, as explained below, reliance on Knee is misplaced because Knee fails to disclose an at least three dimensional profile surface adapted for determining preferences associated with a television viewer, the mapping of first and second fuzzy variables onto the at least three dimensional profile surface, and the calculation of a priority value from the mapping.

While Knee discloses a plurality of comparisons for targeting advertisements, Knee does not disclose or suggest an at least three dimensional profile surface or the mapping of first and second fuzzy variable onto said profile surface. In particular, Knee discloses a *tabular demographic matrix* (see Fig. 2) where each cell of the table includes predetermined weight values for use in targeting advertisements to specified users. In other words, Knee discloses a simple table of demographic data, wherein each demographic category includes a predetermined weight value, either calculated via user interaction, or assigned a default value. Knee does not disclose a three dimensional or greater profile surface, which as described in the present application, includes at least two demographic values and an associated priority value.

Because Knee does not disclose an at least three dimensional profile surface, the mapping of first and second fuzzy variables onto said profile surface or the calculation of a priority value associated with said mapping, it follows that Knee does not anticipate claims 1 and 9. Based on at least the foregoing deficiencies noted in the Knee reference, it is respectfully submitted that claims 1-3, 5, 6, 9, and 12 are in condition for allowance.

### **The Rejections under 35 U.S.C. § 103**

#### **Claims 4, 7-8, 11, and 13-14**

For at least the reasons noted above, claims 4 and 11, which depend either directly or indirectly as claims 1 and 9 respectively, are in condition for allowance.

Independent claims 7 and 13 are directed to methods and apparatus that may be used to delete from memory digital objects associated with a television program guide. In

particular, claims 7 and 13 recite determining first and second fuzzy variables associated with a digital object, calculating a priority value by mapping the first and second fuzzy variables onto an at least three dimensional profile surface adapted for determining preferences associated with a television viewer, and selecting the digital object for deletion from memory if the priority value crosses a predefined threshold.

Claims 7 and 13 were rejected as obvious under 35 U.S.C. §103 over the combination of Knee and Lazarus (US 5,652,613). As described above, Knee employs a simple tabular demographic matrix comparison to selectively display an advertisement to a user, not an at least three dimensional profile surface to calculate a priority value or to selectively display a digital object based on the calculated priority value. In addition to these deficiencies, Knee is deficient with respect to claims 7 and 13 in that it does not disclose or suggest selecting a digital object for deletion from memory if the priority crosses the predefined threshold. This fact is conceded on page 10 of the Office action.

The examiner seeks to cure the deficiency of Knee using Lazarus. As noted, Lazarus is directed to an intelligent program guide memory management system and method. In particular, Lazarus discloses deleting the least valuable program guide information when additional memory is needed in the program guide system. The Lazarus system manages memory by first deleting all information that is obsolete and then by performing memory triage if available memory is still insufficient. Memory triage includes assessing program guide information value and deleting the least valuable program guide information. Lazarus discloses that the value of program information is assessed by evaluating program age (length of time since they were stored) and a program value that has been assigned to the channel. However, for all of its disclosure, it is respectfully submitted that Lazarus does not disclose or suggest mapping fuzzy variables to an at least three dimensional profile surface, as recited by claims 7 and 13.

Accordingly, both Knee and Lazarus fail to disclose or suggest the mapping of fuzzy variables to an at least three dimensional profile surface. Thus, it follows that no combination of these references can render obvious the claimed system.

In addition, even if mapping fuzzy variables to an at least three dimensional profile surface was disclosed in one or the other of Knee and Lazarus, there would be no motivation

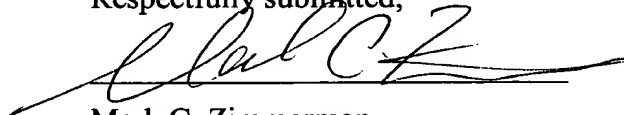
to make the combination of Knee and Lazarus that is suggested in the Office action. This is because the demographics determination of Knee is directed to either displaying or ignoring advertising objects transmitted in a television signal, whereas Lazarus is directed to deleting programs. It is respectfully submitted that one of ordinary skill in the art would not be motivated to include the deletion of Lazarus in the advertising display system of Knee because Knee solves the problem of directed advertisement in a television broadcast system by showing a user specific advertisements while ignoring other transmitted advertisements, whereas the Lazarus system deletes superfluous information stored in memory. In fact, the fact that the Knee system never discloses the storing of advertisement objects and simply ignores any transmitted advertisement not selected, counsels against the combination of Knee and Lazarus because the resulting combination would yield a system that stores and deletes advertisement information. This is in direct contravention to the teachings of Knee.

Accordingly, for at least these reasons, it is respectfully submitted that claims 7 and 13, and any claims dependent thereon, are in condition for allowance.

**Conclusion**

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,



Mark C. Zimmerman  
Reg. No. 44,006  
Attorney for Applicant

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Hanley, Flight & Zimmerman  
Reg. No. 44,006  
Attorney for Applicants  
312.580.1020